
From: Damian Capozzola [mailto:dcapozzola@kirkland.com]
Sent: Tuesday, February 07, 2006 10:28 AM
To: Timothy J. Hogan
Cc: 'Brenda'; 'Eric Liebler (E-mail)'; 'Lex Smith'; 'Lex'; 'Lyle'; 'Lyle Hosoda (E-mail)'; 'Michael Baumann'; 'Raina'; Timothy J. Hogan; 'Victor L'
Subject: RE: Berry v. Hex. - Berry FCS

Mr. Hogan:

The iterations of FCS referenced in paragraph 15 of page 4 of Dr. Walker's May 31, 2005 report consist of the version you produced in discovery on or about April 22, 2005 and the queries as described in report paragraphs 36-46. The "ORIGINAL LOGISTICS DATA.MDB" file referenced in my 5/12/03 e-mail has a modified date of May 9, 2003 3:54:02 pm and a size of 85.8MB (89,987,072 bytes). Dr. Walker has never seen this particular electronic version. I will note, however, that Dr. Walker has seen on the before images -- and you have had for some time -- a version of Original Logistics Data.mdb that is precisely the same size with a modified date of May 22, 2003 3:19:24 pm.

In any event, you already have copies of everything the PCT provided to Dr. Walker.

--Damian Capozzola

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